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ATTORNEY AT LAW

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**December 11, 2024**

**VIA ECF**

Honorable Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 21A  
New York, NY 10007-1312

**Re: RLP Ventures, LLC v. Mosaic Learning, Inc. - 1:23-cv-09378-NRB**

Dear Judge Buchwald:

This firm represents Plaintiff RLP Ventures, LLC (“**Plaintiff**”) in this case against Mosaic Learning, Inc. (“**Defendant**”). On December 5, 2024, the undersigned and counsel for Defendant participated in a conference call with Your Honor. During the call, Your Honor asked Plaintiff’s counsel certain questions about the amended complaint. This letter is intended to be responsive to those questions.

1. **What kind of case is this?** Although Plaintiff’s original intention was for this case to constitute an appeal of the TTAB decision (with respect to Defendant’s application for registration of its service mark based upon the recitations of services in classes 35, 41 and 42) **and** a *de novo* action focused upon Defendant’s infringement (with respect to Defendant’s actual use of the service mark in commerce), Plaintiff is now seeking leave of court to amend its complaint, clarifying that the case, going forward, would be a de novo service mark infringement case. Plaintiff understands and acknowledges that it would be precluded from refiling an appeal of the TTAB decision in the future.
2. **What is Plaintiff going to do about the declaration and exhibits?** Plaintiff is hereby seeking leave of court to reformat the complaint with the removal of the declaration and exhibits in question and, as appropriate, add the substantive information into the body of the complaint.
3. **Is Plaintiff going to proceed with its request to have certain documents sealed?** As discussed during the conference call, there will be no need to have any documents sealed in the complaint with the documents in question being removed from the complaint.

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In light of the foregoing, Plaintiff respectfully requests leave of court to amend the complaint as outlined above. Plaintiff believes that such an amendment will help streamline these proceedings, with no prejudice to Defendant.

Sincerely,  
WILLARD ALONZO STANBACK, PC

/ willard a stanback /

Willard A Stanback, Esq

cc: Via ECF and Email to Defendant Counsel of Record

Plaintiff is granted leave to amend the complaint for the final time by January 17, 2025. Plaintiff's amended pleadings should conform to Local Civil Rule 15.1. Defendant is granted leave to move to dismiss Plaintiff's Second Amended Complaint. In light of the foregoing, the defendant's pending motion to dismiss, ECF No. 37, is denied as moot. With respect to the formatting and sealing issues, the Court expects plaintiff to comply with the representations plaintiff's counsel made in the December 11th letter, ECF No. 41. Plaintiff's pending motion to seal, ECF No. 32, is denied. Following the filing of the amended complaint, the parties should confer on, and submit to the Court for approval, a briefing schedule agreeable to both sides, in which no more than sixty days elapse from the filing of defendant's motion to the filing of defendant's reply.

SO ORDERED.

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Dated: December 23, 2024  
New York, New York